

PROPOSED RULE MAKING

CR-102 (June 2012) (Implements RCW 34.05.320) Do NOT use for expedited rule making

Agency: State Building Code Council						
Preproposal Statement of Inquiry was filed as WSR 12-03-105 Expedited Rule MakingProposed notice was filed as WSR	5 ; or					
Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).	Continuance of WSR					
Title of rule and other identifying information: (Describe Subject)						
Adoption and amendment of the 2012 International Resid	dential Code (IRC), WAC 51-51.					
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Hearing location(s):	Submit written comments to: Name: Ray Allshouse, Chair, State Bldg Code Council					
September 14, 2012 September 21, 2012	Address: PO Box 41449					
Center Place Event Center 2426 N. Discovery Place DES Presentation Room 1500 Jefferson SE	Olympia, WA 98504-1449 e-mail sbcc@ga.wa.gov					
Spokane Valley, WA 99216 Olympia, WA 98504	fax (360) 586-9088 by (date) Sept. 21, 2012					
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Date: Sept. 14/Sept 21 Time: 10 am	Assistance for persons with disabilities: Contact					
5 . (1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1	Peggy Bryden by Sept7, 2012					
Date of intended adoption: November 9, 2012 (Note: This is NOT the effective date)	TTY () or (360) <u>407-9280</u>					
Purpose of the proposal and its anticipated effects, including an	y changes in existing rules:					
The proposed rules adopt the most recently published edition of the II	RC and make changes to the state amendments to this code.					
Please see page 3 for summary of proposed changes	•					
Reasons supporting proposal: RCW 19.27.031 and RCW 19.2	7.074					
Statutory authority for adoption: RCW 19.27.031 and 19.27.074	Statute being implemented: RCW 19.27 and RCW 34.05					
Is rule necessary because of a:	CODE REVISER USE ONLY					
Federal Law? Federal Court Decision? Yes No	OFFICE OF THE CODE DEVICED					
State Court Decision?	OFFICE OF THE CODE REVISER STATE OF WASHINGTON					
If yes, CITATION:	FILED					
DATE: July 31, 2012						
VAME (type or print) TIME: 3:54 PM						
C. Ray Allshouse						
SIGNATURE CHANGLES	WSR 12-16-091					
TITLE						
Council Chair						

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:				
The Council is seeking comments on the issues proposed in the attached rules.				
Name of proponent: (person or organiza	ation) Washington State Building Code Council	☐ Private ☐ Public ☑ Governmental		
Name of agency personnel responsible	e for:			
Name	Office Location	Phone		
Drafting Tim Nogler	1500 Jefferson SE, PO Box 41449, Olympia WA	(360) 407-9277		
ImplementationTim Nogler	1500 Jefferson SE, PO Box 41449, Olympia WA	(360) 407-9277		
Enforcement Local Jurisdictions		()		
	et statement been prepared under chapter 19.85 R I under section 1, chapter 210, Laws of 2012?	CW or has a school district		
☑ Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.				
A copy of the statement may	be obtained by contacting:			
Name: Peggy Bryden Address: PO Box 41449				
Olympia, WA 98504-1449				
98304-1449				
phone (360) <u>407-9277</u> fax (360) <u>586-5366</u>				
e-mail <u>peggy.bryden@des.wa.gov</u>				
☐ No. Explain why no statement was prepared.				
No. Explain why no statement was prepared.				
Is a cost-benefit analysis required und	ler RCW 34.05.328?			
Yes A preliminary cost-benefit a	nalysis may be obtained by contacting:			
Name: Address:				
Address:				
phone ()	<u> </u>			
phone () fax () e-mail	_			
- Hall				
No: Please explain: The State Bu	ilding Code Council is not one of the agencies identified as	s required to prepare an analysis.		

Summary of changes in existing rules:

- 1. Section R102 strikes reference to the state ventilation and indoor air quality code. Ventilation and indoor air quality are now covered under the residential and mechanical codes.
- 2. Section R202 Definitions contains amendments to the definitions in the code to be consistent with state licensing rules and changes in the 2012 IRC. Significant proposed amendments to definitions: "attic, habitable" clarifies application of state amendment; "dwelling unit" includes accessory dwelling units; "mezzanine" is a new definition; "source specific ventilation" is deleted as the 2012 IRC uses the term "local exhaust".
- 3. Section R301 Design Criteria is a new state amendment containing criteria for mezzanines.
- 4. State amendments to section R302 Fire-Resistant Construction are modified to address changes in the 2012 IRC.
- 5. Section R303 Light Ventilation and Heating is modified to include state specific ventilation requirements; to retain state rules for stairway illumination; and to modify emission standards for solid fuel burning devices to be consistent with Department of Ecology rules.
- 6. Section R314 Smoke Alarms is modified to be consistent with the 2012 IRC.
- 7. Section R315 Carbon Monoxide Alarms is modified to be consistent with state law and technical advisory group recommendations.
- 8. Section R325 Adult Family Homes is modified to customize grab bar requirements and other provisions consistent with the licensing rules.
- 9. Section R328 is a new section added to cover mezzanines.
- 10. Sections R403 Footings and R404 Foundations and Retaining Walls state amendments are deleted or modified to be consistent with the 2012 IRC.
- 11. Section R408 Under floor Ventilation has a proposed amendment to modify method of spacing vent openings.
- 12. Section R501 Floors-General is a clarification to a new requirement for fire protection of floors.
- 13. Section R507 Decks provides an alternate method for deck connection.
- 14. Section R602 Wood Wall Framing state amendments are deleted or modified to be consistent with the 2012 IRC.
- 15. Section R612 Exterior Windows and Doors maintains an exemption for small business.
- 16. Section R703 Exterior Wall Covering amends the 2012 IRC related to flashing.
- 17. Section R806 Roof Ventilation state amendment is deleted. 2012 IRC maintains intent.
- 18. Section R903 Roof Drainage state amendments are modified to be consistent with the 2012 IRC.
- 19. Sections R1001 Masonry Fireplaces; R1002 Masonry Heaters; R1004 Factory Built Fireplaces are modified to be consistent with Department of Ecology rules.
- 20. Section M1201 Mechanical Administration Scope adopts new editions of NFPA standards for liquefied petroleum gas (LPG)
- 21. Section M1301General Mechanical System Requirements amends new 2012 IRC requirement for identification of pipe.
- 22. Section M1507 Mechanical Ventilation incorporates state ventilation requirements to be consistent with the 2012 IRC. Replaces M1508 in current code.
- 23. Section 1601 Duct Construction state amendments are modified to be consistent with the 2012 IRC.
- 24. Section 1701Combustion Air reference to Chapter 10 is corrected.
- 25. Chapter 20 Boilers and Water Heaters state amendment is deleted.
- 26. Appendix R is modified to contain direct reference to 2012 IRC P2904 Dwelling Unit Fire Sprinkler Systems.

The remaining changes are in response to editorial changes or reorganizational moves in the 2012 IRC.

Executive Summary

The proposed rule adopts the updated 2012 edition of the International Residential Code (IRC). Since 1985 the state building code council has been responsible to update to new editions of the building code. RCW19.27.074. The IRC is updated every three years. The process of updating code editions by the model code organization involves interest groups within the design and construction industry and from governmental organizations.

The 2012 IRC contains about 73 significant changes from the 2009 IRC. Washington state does not adopt the energy, plumbing or electrical provisions of the IRC. According to the <u>Proposed changes to the 2009 Edition of the IRC</u>, published by the International Code Council (ICC), less than five percent of the significant amendments result in an increase in cost of construction. The primary effect of the amendments is improvement of the code. The objective of the amendments is to create a consistent regulatory system.

The update will result in some cost outlay for small businesses in construction industries for specific building projects, for a transition period.

Other small businesses would see an increase in revenue.

The overall impact would be positive, because a majority of the amendments in the new edition either reduce requirements or provide more clarity, reducing review and approval times. The degree of impact diminishes during the code cycle as rules become familiar and construction practices adjust and are accepted.

The SBCC appointed a technical advisory group to review the 2012 IRC significant changes, the applicability of the existing statewide amendments, and 10 new proposed state amendments. The TAG included all sectors of the construction industry and regulatory community, including small businesses. All TAG meetings are open to the public and small businesses are notified and participate in the review.

The rules are anticipated to be job neutral, although there would be some temporary work for installation jobs for certain trades people.

Where the SBCC found the cost of compliance for small businesses to be disproportionate, the proposed rule mitigates the cost. The proposed rule includes a definition of small business and provides exceptions for compliance with the updated regulation.

Section I: Introduction/Compliance with the Rules

The proposed rule adopts the 2012 edition of the International Residential Code (IRC). The 2009 IRC with state amendments is currently in effect. (WAC 51-51).

State amendments to the code address specific issues, for example:

- Washington state facility licensing requirements
- Definition of dwelling units to include small businesses
- Local adoption for residential fire sprinklers
- Application of exterior cladding

For a complete list of all state amendments see this link. http://apps.leg.wa.gov/wac/default.aspx?cite=51-51

The amendments add flexibility and clarity to the code and coordinate rules, and represent a savings for small business building owners and operators.

The 2012 edition contains about 75 significant revisions from the current 2009 edition of the IRC. The revisions address primarily editorial changes to clarify the code and reduce the reporting, recordkeeping and other compliance requirements. The IRC currently in effect requires issuance of a building permit for construction projects, review and approval of plans, and field inspections. The new edition of the building code primarily improves the building regulatory process by resolving inconsistencies and problems with previous editions. Where testing and installation has demonstrated code requirements add no benefit, the requirements are reduced or deleted.

The 2012 IRC does contain significant modifications, requiring additional expenditure by building owners to maintain compliance. The SBCC amended these provisions to address cost concerns.

Section II: Compliance Costs for Washington Businesses

Washington businesses will incur costs to purchase new code books and for training.

The 2012 edition of the IRC costs \$88 on CD and \$98.75 for a loose leaf binder. The codes are also available to view online at no cost. There is also an online subscription service available, at a per user cost.

The costs for compliance with the 2012 IBC are specific to the project and the plan.

1. Section R302 – Fire Resistant Construction

The proposed rule requires fire protection for single family homes at a five foot separation from lot lines. An amendment allows unprotected projections into the fire separation distance where eaves are provided with fire blocking. This amendment has support of the fire service and the small business members of the TAG.

2. R303.4 – Minimum Ventilation Performance

Whole house ventilation for the 2012 rule provides an amended method for sizing intermittent systems.

3. <u>Section R326 – Adult Family Homes</u>

The proposed rule amends provisions related to adult family homes, long term care licensed by the state Department of Social and Health Services.

4. <u>R501.3 – Fire Protection of Floors</u>

A new provision in the 2012 IRC requires fire protection of floors. An option for using dimensional lumber for this requirement is clarified to allow compliance and reduce cost impact while maintaining the intent of the code.

5. Alternate Ledger Connections 2012 IRC 507.2.2 & 507.2.3

An alternate method of deck ledger connection is provided to allow a prescriptive method, saving cost while maintaining the structural integrity of the code.

6. Section R612 – Exterior windows and glass doors

Small business manufacturers are exempt from testing requirements while meeting the structural provisions required by the code.

7. R703.8 –Flashing

The proposed rule amends the 2012 IRC related to flashing to maintain the current method of compliance without incurring potential liability and cost for the small business homebuilder.

Section III: Analysis of Proportionate Impact on Small Businesses

The impact on small businesses compared to the largest businesses in the state will not be disproportionate.

The cost of compliance is proportional, in relation to hours of labor, or costs per employee. The incremental cost of meeting the 2012 IRC, will have a proportionate impact on building and construction businesses. Building projects tend to be unique to type of construction, building type, building site, as well as size of the project. Costs for design and construction will be distributed among the general and sub contractors. Further, construction industry businesses fit primarily into the category of small business. Where an industry has a significant number of large businesses, the costs of compliance for large businesses are proportional to the number of employees in any size business.

Section IV: Small Business Involvement and Impact Reduction Efforts

Actions Taken to Reduce the Impact of the Rule on Small Businesses

The TAG identified specific amendments with a cost impact and modified the code to reduce the impact while maintaining the intent of the code. Where the SBCC found the cost of compliance for small businesses to be disproportionate, the proposed rule mitigates the cost. The proposed rule includes a definition of small business and provides exceptions for compliance with the updated regulation.

Involvement of Small Business in the Development of the Proposed Rules

The SBCC appointed a Technical Advisory Group (TAG) to represent construction industry businesses and organizations. In accordance with SBCC bylaws, all TAG meetings are open to the public and small businesses are notified and participate in the review.

For a directory of TAG members see https://fortress.wa.gov/ga/apps/sbcc/Page.aspx?nid=118

Section V: Number of affected businesses in Washington:

• Residential Code (WAC 51-51)

Type of business	NAICS CODE #	# IN STATE (UP TO 49 Employees)	#IN STATE (50 OR MORE Employees)
Homebuilders	236115	3985	12
Multi Family Housing Construction	236116	77	0
Residential Remodelers	236118	3468	1
Poured concrete foundation and structure	238110	1028	3
contractor			
Roofing Contractors	238160	973	7
Wood Window and Door Manufacturing	321911	39	2
Architects	541310	602	16
Engineers	541330	1665	96

Section VI: Jobs created or lost as a result of these Rules:

The adoption of the latest code edition is not expected to significantly impact the number of jobs in the construction industry. These rules are likely to be job neutral overall, i.e., they will not result in any job gains or losses.

The construction industry continues to experience slow growth. Employment in all sectors impacts activity in the construction sector. According to <u>Washington Occupational Employment Projections</u>, posted by the Department of Employment Security, the total number of construction trade workers statewide was 124,612 in the second quarter of 2011. There is an estimated increase of 0.6% by the second quarter of 2013, for a total number of construction trade workers of 126,093. Specialty trades show a similar pattern of slow growth by the second quarter of 2013:

• Carpenters

33,821 +0.4%

Construction laborers 16,592 +0.5%
Plumbers, pipefitters 8,885 +0.3%

Some sectors are expected to experience slightly more positive growth. The number of engineers employed in Washington is expected to grow in this same period about 2.2% to 54,769.

The long term projection shows a 2.3% growth in the construction industry from 2010 to 2015, adding 16,800 jobs for a total of 156,900 employed in the industry by 2015.